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JAN 19 1994  
DIVISION OF  
OIL, GAS & MINING  
M/035/002

**Kennecott**

January 17, 1994

Mr. Robert L. Duprey  
Director, Hazardous Waste Management Division  
U. S. Environmental Protection Agency, Region VIII  
999 18th Street, Suite 500  
Denver, CO 80202-2466

Subject: **Kennecott Performance of Risk Assessment**

Dear Bob:

I was disappointed to read your letter of December 1 in which you rejected Kennecott's request and offer to perform the risk assessment work for our Utah Copper properties. Importantly, you did not question Kennecott's capabilities to perform the risk assessment work. Despite EPA's rejection of our offer, I assure you that Kennecott's desire and willingness to participate fully and constructively in the Risk Assessment Task Force remain unchanged. I also sincerely appreciate EPA's openness in discussing various risk assessment approaches. EPA's willingness to consider creative means of accomplishing the risk assessments in a technically sound yet cost-efficient manner is welcome.

The singular reason stated for not allowing Kennecott to conduct the risk assessment was that the contractor had already been employed and money was being spent to accomplish the scopes of work. I would appreciate it if you would send me copies of the scopes of work for the studies EPA has underway through its contractors as well as schedule and budget information. The better we understand the work EPA intends to conduct, the better we will be able to assist by, for example, providing or obtaining site-specific, recent data rather than relying too heavily on default assumptions. Further, our early involvement in the scope of work and budget will help to avoid misunderstandings (and thereby save time and money) over the long run. Moreover, as it is likely that EPA will eventually expect Kennecott to reimburse the agency for expenses it incurs for this work, we have an obvious interest in knowing about the work that is being done and providing our views on that work in the earliest possible stages.

Also, I ask that you consider an approach whereby Kennecott would perform significant portions of the risk assessment, or take over the work entirely at some logical break point. For example, perhaps Kennecott could perform the ecological risk assessment while EPA leads the human health risk assessment. At the same time, Kennecott could perform the toxicity and/or exposure assessment portions of the human health work. Any or all of these approaches would allow EPA to devote its resources to sites where cooperative PRPs with a proven track record of producing quality results may not be present.

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I look forward to receiving the risk assessment information requested above and to your consideration and, hopefully, implementation of the approaches I have proposed. I would be happy to discuss these ideas with you further at your convenience.

Sincerely,

*Preston Chiaro*

Preston S. Chiaro  
Vice President Environmental Affairs

cc: D. Nielson, UDEQ

